



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



DAN WYANT
DIRECTOR

August 7, 2012

CERTIFIED MAIL

Mr. John Wagner, Director, Environmental Health and Safety
Diamond Chrome Plating Inc
604 South Michigan Avenue
Howell, Michigan 48843

VN No. VN-005360

Dear Mr. Wagner:

SUBJECT: Violation Notice
NPDES Permit No. MI0058204
Designated Name: Diamond Chrome Plating Inc
Ingham County Circuit Court Docket No. 03-1862-CE

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), has been notified that the Diamond Chrome Plating, Incorporated, (DCP) is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* and the Administrative Rules promulgated thereunder being 2006 AACRS R 323.2101 *et seq.*, as amended and National Pollutant Discharge Elimination System (NPDES) Permit No. MI0058204, which was issued on August 16, 2007, effective November 1, 2007. These violations also relate to DCP's implementation of the July 28, 2006, Consent Decree entered between DCP and the DEQ.

Unauthorized Discharges to Storm Sewer

On July 16, 2012, in its *Compliance Progress Report* for the second quarter of 2012, DCP reported the unauthorized discharge of contaminated groundwater containing hexavalent chromium and total cadmium in excess of water quality standards to the City of Howell storm sewer that discharges to the Marion Genoa Drain. Discharge of this untreated, contaminated groundwater is a violation of Part 31. See Table 1 below for a summary of monitoring results in exceedance of water quality standards.

Table 1, Pollutant Discharges in Exceedance of Water Quality Standards

Date	Hexavalent Chromium		Total Cadmium	
	Acute Water Quality Standard, ug/l	Reported Values, ug/l	Acute Water Quality Standard, ug/l	Reported Values, ug/l
4/17/12			55	67
5/17/12	32	540		
6/20/12	32	540		

Similar unauthorized discharges identified in this Notice were previously addressed in a WRD letter dated March 16, 2010. DCP responded to our concerns in a letter dated March 25, 2010, stating that a number of leaking joints in the storm sewer would be sealed by the end of April 2010, with evaluation of its effectiveness occurring through June 2010. Data recently submitted by DCP (cited in Table 1) indicates that the 2010 joint repair is no longer preventing infiltration of contaminated groundwater to the storm sewer.

In agreeing to the terms of the Consent Decree, DCP indicated its commitment to the elimination of unauthorized discharges of contaminated groundwater to the City of Howell's storm sewer as those discharges are not authorized under Part 31 of NREPA. We request that DCP eliminate unauthorized discharges of contaminated groundwater as agreed within Paragraph 6.6(d) of the Consent Decree.

NPDES Effluent Limit Violations and Related Noncompliance

DCP has reported the following hexavalent chromium effluent violations occurring on July 5 and 19, 2012 (see Table 2) for its authorized discharges of contaminated storm water. These effluent values are violations of your NPDES permit and Part 31.

Table 2, Effluent Limit Violations, Hexavalent Chromium

DATE	EFFLUENT LIMITATION Daily Maximum, ug/l	REPORTED VALUES Daily Maximum, ug/l	Effluent Flow, Gallons
7/5/12	32	46,000	22,082
7/19/12	32	47	19,000

In the opinion of WRD, these violations were associated with leaking air pollution control equipment, poor housekeeping practices, and power outages. Chromic acid and other wastes may also be infiltrating into the storm sewers underneath the building. Air duct leaks were observed by Resource Management Division (RMD) on June 20, 2012. Information from the last quarterly report and the email sent by Mr. John Wagner on July 23, 2012, documented leaks in the air pollution control ductwork and scrubbers from June 21 through July 2, 2012, that were not repaired until July 2, 2012. Leaks recurred on July 5 through 16, 2012, with repairs noted on July 13th and 16, 2012.

In addition, filter cake was visible on the floors in the photographs emailed to us by Mr. Wagner on July 23, 2012. It appears from the photographs that filter cake may be washed into the truck well catch basins. RMD staff also observed F006 filter cake on the floor around the roll-off bin during their June 20, 2012, inspection. Part 111 compliance issues and other observations will be addressed in separate correspondence from the RMD.

Further, DCP's *Compliance Progress Report* for the second quarter of 2012 reports influent to its treatment system at 2500 ug/l for total chromium and 2,100 ug/l for hexavalent chromium on June 22, 2012. This is a large increase from the <5 ug/l for hexavalent chromium on April 26, 2012. No activities to investigate the cause of the high chromium concentrations were reported.

Within Paragraphs 5.4(a) and (b) of the Consent Decree (Metals Pollutant Minimization Plan (PMP) and Storm Water Pollution Prevention Plan (SWPPP)) and its NPDES permit, DCP agreed

to implement appropriate pollution prevention and housekeeping efforts to prevent storm water from becoming contaminated. For example, leaks to air pollution control equipment should be inspected daily and cleaned and repaired prior to any storm events. Identified leaks are further required to be repaired prior to the next scheduled shut-down period, which we understand is generally on the weekends under Air Standard Operating Procedure Revision E, dated March 12, 2003, as referenced in Paragraph 5.3(e) of the Consent Decree. Filter cake should be contained in the roll-off bin and should not be found in the truck bay or the area around the bin, especially near the doors, where it may be tracked out or washed down the truck bay catch basins. Dirty equipment should be properly disposed of instead of being stored outside where it may be exposed to precipitation. While DCP appears to assert that recent noncompliance was due to factors beyond its control, it is unclear whether DCP's effluent would have met permit limits had the extremely high levels of hexavalent chromium in DCP's storm water on July 5, 2012, been treated.

Since discharges of untreated contaminated storm water may occur during power outages, an alternate source of power must be immediately available and the system monitored (i.e. alarmed with an autodialer to emergency staff) so that this power source may be employed during electrical service outages per Part II.D. 4. of DCP's NPDES permit.

The effluent limit violations identified in this Violation Notice have ceased, but may recur during power loss or if housekeeping activities are inadequate.

Notice of Violations and Bypass

Required notice of treatment bypass and NPDES effluent limit violations was not provided (see Part II.C.9. and Part II.C.6. of your permit). Notice is required as soon as possible, but no later than 24 hours, for unanticipated bypasses and noncompliance. As stated in your permit, if notice is provided after regular working hours, use the following number: 1-800-292-4706. Required 24-hour notice of bypass was not provided for the July 5th or 19th bypasses and was provided late for the July 27, 2012, bypass. Required 24-hour notice of noncompliance was not provided for the July 19, 2012, violation until July 23, 2012.

In addition, a written report is required within 5 days. As stated in Part II.C.6. of your permit, the report shall include a description of the discharge and cause of noncompliance, the period of noncompliance, including exact dates and times, and the steps take to reduce, eliminate, and prevent recurrence of the noncomplying discharge. Written reports for the July 5 and 19, 2012 events were submitted on July 27th and 26th, respectively. Since the July 27, 2012, bypass did not result in any exceedances, a written report is not required.

The violations identified in this Violation Notice are violations of Part 31 and NPDES Permit No. MI0058204 as well as the agreed-upon terms of the Consent Decree.

DCP should take immediate action to achieve and maintain compliance with the terms and conditions of NPDES Permit No. MI0058204 and the Consent Decree.

Please submit a written response to this office by August 24, 2012. At a minimum, the response shall include:

1. A plan, including a schedule, to eliminate unauthorized discharges of untreated, contaminated groundwater to the City of Howell's storm sewer that discharges to the Marion Genoa Drain.

The plan should also be shared with the City of Howell by directing a carbon copy to: Ervin Suida, City of Howell DPW Director, 150 Marion Street, Howell, MI 48843.

2. A plan, including a schedule, to provide backup power so that treatment system bypass does not recur due to power outages, consistent with permit requirements.
3. An evaluation of whether the current storm water storage capacity and design is adequate, including specific information regarding the peak volume of storm water that the system can treat, including rate and duration. This information should be compared to storm event rates and volumes.
4. A statement that SWPPP, Metals PMP, and Consent Decree requirements for adequate housekeeping and minimizing the release of pollutants into storm water at the site will be met.
5. Additional, written investigation into the 46,000 ug/l hexavalent chromium discharge on July 5, 2012. Your current submittals do not explain why such a large exceedance occurred. Please provide a copy of your current SWPPP for our review and provide an evaluation of its adequacy to control pollutant concentrations prior to treatment. Please propose any changes necessary to better control pollutant concentrations.
6. A statement that NPDES permit requirements for notice of noncompliance and bypass will be met in the future.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them with your written response.

We anticipate and appreciate your cooperation in resolving this matter. We understand that a meeting has been scheduled to discuss multi-media issues on September 5, 2012, at 10:00 a.m. and will be available at that time to answer any questions you may have about the content of this Notice. Should you require further information regarding this Notice prior to the meeting, please contact me at 517-335-6106; davidsonc@michigan.gov; or Department of Environmental Quality, Constitution Hall, 525 West Allegan, 4th Floor-North, P.O. Box 30242, Lansing, Michigan 48909-7742.

Sincerely,

Carla Davidson
Lansing District Office
Water Resources Division
517-335-6106

cc: Mr. John Beatty, III, DCP, Inc
Mr. Ervin Suida, City of Howell
Ms. Nicole Zacharda, Enforcement Unit, WRD
Mr. Barry Selden, Enforcement Unit, WRD
Ms. Rebecca Taylor, RD
Mr. Brad Myott, AQD
Mr. William Yocum, RMD

Mr. John Wagner

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August 7, 2012

Ms. Christe Alwin, WRD